

Office Action Summary

Applicant No.

10/063,888

Applicant(s)

FANG ET AL

Examiner

K. Feggins

Art Unit

2861

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 & 9 recites the limitation "quantity of the dye" in lines 13 & 14, respectively. There is insufficient antecedent basis for this limitation in the claim. (It should read "a quantity of the dye".)

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3, lines 4 & 5, a second predetermined period", is claimed however there is no first predetermined period previously claimed. The Examiner is not sure if the second predetermined period is the same as the first predetermined number of cycles.

The remaining claims are also rejected under U.S.C. 112, second paragraph due to its dependency on the rejected claims.

Claim Objections

2. Claim 10 is objected to because of the following informalities: Claim 10, line 3, "fora" space is needed between the words "for a". Appropriate correction is required.

Allowable Subject Matter

3. Claims 1, 3 & 9 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

The following is an examiner's statement of reasons for allowance: The primary reason for the allowance of claims 1-8 is the inclusion of the method steps of a thermal printhead that includes deactivating the heater for a first predetermined number of cycles corresponding to the second portion of the predetermined gray level. Then activating the heater a second predetermined number of cycles corresponding to the second portion of the predetermined number are integers larger than or equal to 1, a total quantity of the dye transferred onto the object in printing the second portion of the predetermined gray level is less than the quantity of dye transferred onto the object during each cycle of printing in first portion of the predetermined gray level. It is these steps found in the claims, as they are claimed in the combination of, which has not been found taught or suggested by the prior art of record that makes these claims allowable over the prior art.

The primary reason for the allowance of claims 9-15 is the inclusion of the limitations of a printer that includes a thermal print head deactivates the heater for a first predetermined number of cycles according to the second portion of the predetermined gray level; and thereafter activates the heaters a second predetermined number of cycles, both the first predetermined number and the second predetermined number are integers larger than or equal to 1; and a total quantity of the dye transferred onto the object in printing the second portion of the predetermined gray level is less than the quantity of the dye transferred onto the object during each cycle of printing in the first portion of the predetermined gray level. It is these limitations found in the claims, as

Art Unit: 2861

they are claimed in the combination of, which has not been found taught or suggested by the prior art of record that makes these claims allowable over the prior art.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kokubo (US5587732) discloses a color thermal printing method and apparatus where the gradation pulse group is related to a density lower than a desired final density of the pixel. Yamada et al. (US 5,131,767) disclose a halftone printing system with a reference level generation means for generating a reference gradation level.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Art Unit: 2861

Communication With The USPTO

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to K. Feggins whose telephone number is 703-306-4548. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, B. Fuller can be reached on 703-308-0079. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-872-9318 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.


K. Feggins
July 10, 2003